

House Minority Leader

John J. Rhodes (R-Ariz.) tried yesterday to mediate the dispute between the White House and the House Judiciary Committee over the impeachment inquiry and wound up at odds with both sides.

Rhodes, who met twice within the last week with President Nixon's chief defense counsel, James D. St. Clair, called a news conference in which he said that the committee should define and narrow the scope of its inquiry.

He said he was not in any sense acting on behalf of the White House in offering several proposals. He also said he had no lack of confidence in Rep. Edward Hutchinson (R-Mich.), the committee's senior Republican, though several of Rhodes' statements were the exact opposite of Hutchinson's positions.

One area in which Rhodes found agreement with many of the committee's Republicans was his call for the committee to throw out "unrealistic charges" such as impoundment of appropriated funds by the President and secret bombing of Cambodia. He contended this would put the committee on sounder ground in asking for White House materials, such as the 42 tapes of presidential conversations which the White House has so far declined to turn over.

But Rhodes went on to make several other suggestions, some less welcome.

He proposed, for instance, that "some highly respected neutral source" be selected to review the requested tapes and sort out what is relevant and not relevant to the committee's inquiry. When this was first suggested last week as something Mr. Nixon was consid-

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ering, both Hutchinson and Chairman Peter W. Rodino (D-N.J.) rejected it out of hand.

"I don't know why anyone else's judgment of relevancy is better than mine," Hutchinson said yesterday.

In his proclaimed search for a way to avoid an "impasse," Rhodes also said that while executive privilege "can be overextended" it is "clearly a legitimate doctrine." And he suggested that some parts of the 42 requested tapes may not be relevant to the inquiry.

Hutchinson said flatly that he believes that in an impeachment proceeding the President cannot withhold information on grounds of executive privilege. And Hutchinson said the requests for the 42 tapes were reasonable, and that they are relevant and should be handed over.

But Rhodes gave the White House no comfort as he took a broader view than Mr. Nixon's advisers on the proper scope of the committee's inquiry. Rhodes said the committee could properly look beyond Watergate events, to which the White House would limit the inquiry.

And while the White House would restrict impeachable offenses to serious crimes, Rhodes expanded his definition to include "serious violations of the Constitution" which might not be indictable crimes.

Rhodes also said he did not believe the committee was on a "fishing expedition," as the White House has suggested. He said the committee would be better able to knock down that argument by defining the scope of the inquiry. He did not suggest, as the White House has, that the committee either define an impeachable offense or give the President a list of charges against him.

Rhodes said that at his request St. Clair met with him and Vice President Gerald R. Ford last Wednesday because "we wanted to find out what was going on." Rhodes said he came away from that meeting with less regard for the committee's

impeachment staff because the letter to St. Clair asking for tapes and documents was "so fuzzy it was hard to tell what they were talking about." The White House interpreted one sequence as a request to rummage through the files at will.

Rhodes said that he and other House Republican leaders met again Monday morning with St. Clair so the other leaders could be briefed. One participant said St. Clair talked along the same lines Mr. Nixon had on television about the committee's apparent desire to back up a truck to haul off White House files, and how such a move would weaken the presidency.

The Judiciary Committee was told by special counsel John Doar at an open briefing session yesterday that there has been no resolution of the dispute over the 42 tapes. Doar recommended, as he had two weeks ago, that the committee put off issuing a subpoena for the

tapes at least until the staff completes analyzing 100,000 pages of materials it already has in its possession.

A partisan dispute broke out briefly and may be continued at another session today as to whether St. Clair should be permitted to sit in on all closed sessions where the committee or its staff takes testimony. St. Clair also wants the right to cross examine and to call his own witnesses.

Rep. Walter Flowers (D-Ala.), considered one of the Democrats least likely to vote for impeachment, issued his first blast at the White House. He said it is "high time the President stopped playing games" with Congress and the American people.

"We hear on television about full cooperation and the desire for an expeditious inquiry," said Flowers, "but we see developing the intricate maneuvers of a strategy to limit this committee and confuse the issue."